

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ESTERA L. TAMAS, *et al.*,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C07-0750RSL

ORDER DENYING DEFENDANTS'  
MOTION FOR PROTECTIVE ORDER

This matter comes before the Court on “Defendants’ Motion for Protective Order.” Dkt. # 65. Defendants refused to provide any documents in response to Plaintiffs’ First Requests for Production, arguing that state law precludes their production absent a court order and/or a protective order. Defendants timely moved for an order that would limit the use and disclosure of virtually all documents produced during discovery.


The parties agree that some of the documents sought by plaintiffs contain statutorily-protected information. Plaintiffs argue, however, that defendants’ blanket refusal to produce any responsive documents in the absence of a protective order cannot be justified. The Court agrees. Plaintiffs have produced releases for themselves and one of their siblings and yet defendants have taken the position that each and every document referring to or relating to plaintiffs is privileged. Although defendants produced hundreds of documents to plaintiffs before suit was filed, they now claim that they are prohibited from disclosing these same documents during discovery. Defendants’ claim of privilege is overbroad and ignores the

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1 specific facts of this case. In addition, defendants have provided no support for their conclusion  
2 that any particular document, much less all of the documents requested, is privileged.  
3 Assuming, for purposes of this motion, that a statutory privilege applies, the proper course of  
4 action would be to produce responsive documents and provide a privilege log whenever a  
5 document or part thereof is withheld so that the Court and/or plaintiffs can evaluate the claim of  
6 privilege.

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8 For all of the foregoing reasons, defendants' motion for protective order is  
9 DENIED. Defendants shall, within twenty days of the date of this order, provide all non-  
10 privileged documents which are responsive to plaintiffs' discovery requests. To the extent  
11 defendants withhold documents and/or redact confidential information, a privilege log sufficient  
12 to allow interested parties to evaluate the various claims of privilege must be provided. At a  
13 minimum, the privilege log must identify the nature of the document, its date, the parties thereto,  
14 and the specific statute or regulation that justifies the failure to disclose.<sup>1</sup>

15  
16 DATED this 30th day of October, 2007.

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19 Robert S. Lasnik  
20 United States District Judge  
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24 <sup>1</sup> Defendants' request to strike the Declaration of David P. Moody is also DENIED. The  
25 information regarding the releases and counsel's letter regarding the production of many of the same  
26 documents that are at issue in this motion are relevant.